

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

In the Matter of	)	
	)	
GAME SHOW NETWORK, LLC,	)	MB Docket No. 12-122
Complainant,	)	File No. CSR-8529-P
	)	
v.	)	
	)	
CABLEVISION SYSTEMS CORP.,	)	
Defendant	)	

TO: Chief Administrative Law Judge Richard L. Sippel

**DEFENDANT’S OBJECTIONS TO COMPLAINANT’S TRIAL EXHIBITS**

Defendant Cablevision Systems Corporation (“Cablevision”) hereby objects to the introduction into evidence at the upcoming hearing of certain exhibits identified by Complainant Game Show Network, LLC (“GSN”) in its pre-hearing submission filed on March 8, 2013, each of which is inadmissible under one or more of the following rules of evidence:<sup>1</sup>

- **Fed. R. Evid. 801 and 802 – Hearsay.** Several of GSN’s trial exhibits constitute hearsay that does not fall within a recognized exception and thus must be excluded under Rules 801 and 802.<sup>2</sup> For example, GSN seeks to offer into evidence emails and Media Bureau pleadings (including declaration submitted during that stage of the proceedings) which constitute inadmissible

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<sup>1</sup> Cablevision bases these objections on its present understanding of the foundation for, and purpose of, introduction of these documents into evidence. Cablevision reserves the right to object at the hearing to any exhibits, whether listed below or otherwise, on any applicable ground(s).

<sup>2</sup> See 47 C.F.R. § 1.351 (2009) (“Except as otherwise provided in this subpart, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern formal hearings”).

hearsay. GSN should be precluded from introducing these documents into evidence.<sup>3</sup>

- **Fed. R. Evid. 402 – Relevance.** Pursuant to Rule 402 “irrelevant evidence is not admissible.”<sup>4</sup> In order to be relevant, proffered evidence must have a “tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.”<sup>5</sup> GSN’s exhibit list includes various documents relating to GSN’s and WE tv’s programming strategies and content after February 1, 2011—the date GSN was re-tiered—which are irrelevant, as they could not, on their face, have pertained to Cablevision’s decision-making, and should be excluded.

- **Fed. R. Evid. 403 – Overly Prejudicial, Confusing, Misleading, or Cumulative Evidence.** Rule 403 provides for the exclusion of relevant evidence where “its probative value is substantially outweighed by the danger of unfair prejudice.”<sup>6</sup> GSN seeks to introduce into evidence documents that are unfairly prejudicial, including [REDACTED] [REDACTED] that are not probative of Cablevision’s decision-making as they post-date GSN’s re-tiering.

Defendant’s specific objections to Complainant’s exhibit list are attached.

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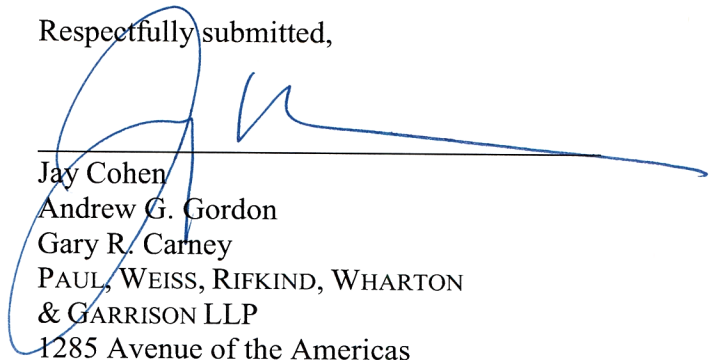
<sup>3</sup> See, e.g., *New York v. Microsoft Corp.*, CIV A. 98-1233 (CKK), 2002 WL 649951 (D.D.C. Apr. 12, 2002) (excluding various email exhibits as inadmissible hearsay).

<sup>4</sup> FED. R. EVID. 402.

<sup>5</sup> FED. R. EVID. 401.

<sup>6</sup> FED. R. EVID. 403.

Respectfully submitted,



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March 15, 2013

**REDACTED – FOR PUBLIC INSPECTION**

[illegible]

REDACTED – FOR PUBLIC INSPECTION

Cablevision Objections to GSN Exhibit List					
Exh.	Date	Title of Exhibit	Sponsoring Witness	Number of Pages	Objection(s)
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

**REDACTED – FOR PUBLIC INSPECTION**

[illegible]

**REDACTED – FOR PUBLIC INSPECTION**

[illegible]